


**CT Corporation  
Service of Process Notification**

07/13/2022

CT Log Number 541910790

**Service of Process Transmittal Summary**

**TO:** KIM LUNDY- EMAIL  
Walmart Inc.  
GLOBAL GOVERNANCE/CENTRAL INTAKE, 2914 SE I STREET MS#0200  
BENTONVILLE, AR 72712-3148

**RE:** Process Served in Texas

**FOR:** Wal-Mart Stores Texas, LLC (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

<b>TITLE OF ACTION:</b>	Re: MCINTYRE JOHN // To: Wal-Mart Stores Texas, LLC Name discrepancy noted.
<b>DOCUMENT(S) SERVED:</b>	Citation, Return, Petition
<b>COURT/AGENCY:</b>	61st Judicial District Court of Harris County, TX Case # 202240728
<b>NATURE OF ACTION:</b>	Personal Injury - Slip/Trip and Fall - 08/27/2020, At 15955 FM 529, Houston, Texas, 77095
<b>PROCESS SERVED ON:</b>	C T Corporation System, Dallas, TX
<b>DATE/METHOD OF SERVICE:</b>	By Process Server on 07/13/2022 at 11:22
<b>JURISDICTION SERVED:</b>	Texas
<b>APPEARANCE OR ANSWER DUE:</b>	By 10:00 a.m. on the Monday next following the expiration date of 20 days after service (Document(s) may contain additional answer dates)
<b>ATTORNEY(S)/SENDER(S):</b>	Jessica Fritz Pusch & Nguyen Law Firm PLLC 6330 Gulf Freeway Houston, TX 77023 713-524-8139
<b>ACTION ITEMS:</b>	CT has retained the current log, Retain Date: 07/13/2022, Expected Purge Date: 07/18/2022  Image SOP
<b>REGISTERED AGENT CONTACT:</b>	C T Corporation System 1999 Bryan Street Suite 900 Dallas, TX 75201 877-564-7529 MajorAccountTeam2@wolterskluwer.com

EXHIBIT A

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the



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included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



## PROCESS SERVER DELIVERY DETAILS

**Date:** Wed, Jul 13, 2022  
**Server Name:** Mauricio Segovia

Entity Served	WAL-MART STORES TEXAS, LLC
Case Number	202240728
Jurisdiction	TX

Inserts		



CAUSE NO. 202240728

COPY OF PLEADING PROVIDED BY PLT

RECEIPT NO: 930967 TRACKING NO: 74024513  
EML

Plaintiff:

MCINTYRE, JOHN

vs.

Defendant:

WAL-MART STORES TEXAS LLC (INDIVIDUALLY AND D/B/A WAL-  
MART SUPERCENTER

In The 061st

Judicial District Court of

Harris County, Texas

201 CAROLINE

Houston, Texas

**CITATION CORPORATE**

**THE STATE OF TEXAS**

**County of Harris**

**To: WAL-MART SUPERCENTER #1040 (A CORPORATION) MAY BE SERVED BY SERVING  
ITS REGISTERED AGENT CT CORPORATION SYSTEM  
1999 BRYAN STREET SUITE 900, DALLAS TX 75201**

Attached is a copy of: PLAINTIFF'S ORIGINAL PETITION

This instrument was filed on July 7, 2022 in the above cited cause number and court. The instrument attached describes the claim against you.

**YOU HAVE BEEN SUED.** You may employ an attorney. If you or your Attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration date of 20 days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

This citation was issued on July 8, 2022, under my hand and seal of said court.

Issued at the request of:

FRITZ, JESSICA  
6330 GULF FWY  
HOUTON, TX 77023  
713-524-8139  
Bar Number: 24064945



*Marilyn Burgess*

Marilyn Burgess, District Clerk

Harris County, Texas  
201 CAROLINE Houston Texas 77002  
(PO Box 4651, Houston, Texas 77210)

Generated By: MARIA RODRIGUEZ

EML

Tracking Number: 74024513

CAUSE NUMBER: 202240728

PLAINTIFF: MCINTYRE, JOHN

In the 061st

vs.

Judicial District Court of

DEFENDANT: WAL-MART STORES TEXAS LLC (INDIVIDUALLY AND D/B/A WAL-MART SUPERCENTER Harris  
County, Texas

OFFICER - AUTHORIZED PERSON RETURN

Came to hand at \_\_\_\_\_ o'clock \_\_\_\_ M. on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Executed at

(Address) \_\_\_\_\_  
in

\_\_\_\_\_ County at o'clock \_\_\_\_ M. On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by

Delivering to \_\_\_\_\_ defendant, in person, a true copy of this Citation  
together with the accompanying \_\_\_\_\_ copy (ies) of the «Attachment». Petition attached thereto and I endorsed on said  
copy of the Citation the date of delivery.

To certify which I affix my hand officially this \_\_\_\_\_ day of \_\_\_\_\_, 20.

Fees \$ \_\_\_\_\_

\_\_\_\_\_  
Affiant

By \_\_\_\_\_  
Deputy

On this day, \_\_\_\_\_, known to me to be the person whose signature  
appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was  
executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

CAUSE NO. \_\_\_\_\_

<b>JOHN MCINTYRE,</b>	§	<b>IN THE DISTRICT COURT OF</b>
<b>Plaintiff,</b>	§	
	§	
<b>v.</b>	§	<b>HARRIS COUNTY, TEXAS</b>
	§	
<b>WAL-MART STORES TEXAS. LLC,</b>	§	
<b>INDIVIDUALLY AND D/B/A WAL-</b>	§	
<b>MART SUPERCENTER #1040,</b>	§	
<b>Defendant.</b>	§	<b>_____ JUDICIAL DISTRICT</b>

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, John McIntyre ("Plaintiff") complaining of Wal-Mart Stores Texas. LLC, Individually and D/B/A Wal-Mart Supercenter #1040, ("Defendant") and for cause of action shows unto the Court the following:

**DISCOVERY CONTROL PLAN LEVEL**

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

**PARTIES AND SERVICE**

2. Plaintiff is an individual who resides in Harris County, Texas and represented by the undersigned counsel.
3. Defendant Wal-Mart Supercenter #1040 is owned, operated, and controlled by Wal-Mart Stores Texas, LLC, a corporation authorized to do and doing business in Harris County, Texas and may be served with process by serving its registered agent for process, CT Corporation System at 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

**JURISDICTION**

4. The Court has jurisdiction over this cause of action because the amount in controversy is within the jurisdictional limits of the Court. Plaintiff is seeking monetary relief over



\$1,000,000.00. Plaintiff reserves the right to amend his petition during and/or after the discovery process.

5. The Court has personal jurisdiction over Defendant because it does business in Texas and has sufficient contacts with the State of Texas, both generally and with regard to this specific action, so that exercise of personal jurisdiction over them is proper and does not offend traditional notions of fair play and substantial justice.

### **VENUE**

6. Venue is proper in Harris County, Texas pursuant to Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because Harris County is the county in which all or a substantial part of the events or omissions giving rise to the claim occurred.

### **FACTS**

7. On or about August 27, 2020, during normal business hours, Plaintiff entered upon Defendant's premises located at 15955 FM 529, Houston, Texas 77095. Plaintiff was inside Defendant's premises when he asked one of Defendant's associates for directions to Defendant's pharmacy area. At the time, Defendant's associate had a clear plastic container on the floor near her. Plaintiff did not see the clear container, and when Plaintiff turned to head towards the pharmacy, he stepped on the clear container slipping and falling on his knee. Plaintiff did not see the container and Defendant's associate failed to point out the container on the floor. As a result of the impact Plaintiff suffered injuries to his body.

### **PLAINTIFF'S CLAIM OF NEGLIGENCE AGAINST DEFENDANT**

8. Defendant breached its duty of ordinary care and is liable to Plaintiff for negligence by:
- a. failing to adequately provide Plaintiff assistance;
  - b. failing to make the condition reasonable safe;

- c. failing to care for the premises in a reasonable manner;
- d. creating the dangerous condition; and
- e. other acts deemed negligent.

9. Defendant's agents or employees created the dangerous condition and, therefore, Defendant had actual knowledge of the condition.

10. Defendant's breaches were the proximate cause of Plaintiff's injuries.

11. Each of the above acts or omissions constitutes negligence.

12. Plaintiff incorporates by reference the above paragraphs here.

13. At all material times, Defendant's employees were acting in the course and scope of their employment with Defendant. The incident made the basis of this suit is a direct and proximate result of the negligence of Defendant's employees. Therefore, Defendant is liable for the negligent acts and/or omissions of its employees under the doctrine of vicarious liability or *respondeat superior*.

14. Defendant's employees were actively negligent in one or more of the following ways:

- a. failing to maintain a hazard free premises;
- b. failing to warn Plaintiff of the hazard present;
- b. disregarding the safety of Plaintiff; and
- c. any other such acts deemed negligent.

15. Moreover, Defendant was negligent by failing to properly maintain the premises, train and supervise its employees on the proper maintenance of the premises, who in turn failed to provide Plaintiff the necessary and safe environment, causing Plaintiff to slip and fall to the ground, causing his injuries.



16. Defendant's breaches and/or the breaches of Defendant's employees in the course and scope of their employment proximately caused by Plaintiff's injuries.

17. Each of the above acts or omissions constitutes negligence.

**DAMAGES FOR PLAINTIFF**

18. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff as suffered substantial damages for which he seeks recovery from Defendant:

- a. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in Harris County, Texas;
- b. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- c. Physical pain and suffering in the past;
- d. Physical pain and suffering in the future; and
- e. Physical impairment in the past;
- f. Physical impairment which, in all reasonable probability, will be suffered in the future;
- g. Mental anguish in the past;
- h. Mental anguish in the future; and
- i. Any other damages that Plaintiff can show entitled to recover. Plaintiff is seeking monetary relief over \$1,000,000. Plaintiff reserves his right to

amend his petition and seek more or less money depending on outcome of the discovery process.

**REQUIRED DISCLOSURES**

19. Under Texas Rules of Civil Procedure 194, Plaintiff hereby gives formal notice that Defendant must disclose, within thirty (30) days after the filing of the first answer or general appearance, the information and/or material described in rule 194.2(b).

**JURY DEMAND**

20. Plaintiff requests that all causes of actions alleged herein be tried before a jury consisting of citizens residing in Harris County, Texas. Plaintiff tenders the appropriate jury fee.

**DESIGNATED E-SERVICE EMAIL ADDRESS**

21. The following is the undersigned attorney's designated e-service email address for all e-served documents and notices, both filed and unfiled, pursuant to Tex. R. Civ. P. 21(f)(2) & 21a: **eserve@puschnghuyen.com**. This is the undersigned's only e-service email address and service through any other email address will be considered invalid.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff pray that the Defendant be cited in terms of law to appear and answer herein, and that upon final trial hereof, Plaintiff have and recover such sums as would reasonably and justly compensate them in accordance with the rules of law and procedure and any damages legally recoverable. In addition, Plaintiff requests the award of all costs of Court expended on Plaintiff's behalf, for pre-judgment and post-judgment interest as allowed by law, and for any other and further relief, either at law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

**PUSCH & NGUYEN LAW FIRM PLLC**

/s/ Jessica Fritz

Jessica Fritz

State Bar No. 24064945

6330 Gulf Freeway

Houston, Texas 77023

Telephone: (713) 524-8139

Facsimile: (713) 524-7034

E-Service: [eserve@puschnghuyen.com](mailto:eserve@puschnghuyen.com)

Corresponding E-Mail: [jessica@puschnghuyen.com](mailto:jessica@puschnghuyen.com)

**ATTORNEY FOR PLAINTIFF**